

DANIEL G. BOGDEN  
United States Attorney  
District of Nevada  
KIMBERLY M. FRAYN  
Assistant United States Attorney  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
702-388-6336

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

VS.

WILLIAM HATLEY,

Defendant.

Case No.: 2:15-CR-173-APG-PAL

## MOTION TO STRIKE DEFENDANT'S IMPROPERLY FILED PLEADINGS

## ORDER

COMES NOW, the United States, by and through DANIEL G. BOGDEN, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, and moves to strike Defendant's *pro se* Motion to reopen his detention hearing (Doc. No. 38) and the Defendant's *pro se* Sentencing Letter (Doc. No. 37).

First, the documents are filed in the wrong case number. 2:15-CR-173-APG-PAL was dismissed without prejudice on the Defendant's motion on or about September 21, 2015. Defendant is therefore not detained, nor will he be sentenced in case number 2:15-CR-173-APG-PAL. Defendant pleaded guilty to a criminal information in case number 2:15-cr-263-APG-GWF. The District Court detained him in that matter pending sentencing, which is presently set for January 12, 2016. Accordingly, since the 15-CR-173 matter had been

1 dismissed, the Defendant should be filing all future requests in the new case, 15-CR-263.

2 Accordingly, the filings should be stricken from this case.<sup>1</sup>

3 Secondly, Defendant is currently represented by Assistant Federal Public Defender  
 4 Brian Pugh. Local Rule IA 10-6 provides that, “A party who has appeared by attorney cannot  
 5 while so represented appear or act in the case. An attorney who has appeared for a party shall be  
 6 recognized by the Court and all the parties as having control of the client’s case.” Further,  
 7 pursuant to Local Rules IA 10-1 through 10-5, only attorneys and supervised law clerks are  
 8 permitted to practice before the District Court. The filing of *pro se* pleadings or pleadings by  
 9 non-attorneys, who are not admitted to practice before the District Court, is thus prohibited by  
 10 the local rules and should thus be stricken and given no consideration by the Court. Therefore,  
 11 the United States respectfully requests that the Court strike these pleadings.

### 12 CONCLUSION

13 For the foregoing reason, the United States respectfully requests the Court strike  
 14 Defendant’s *pro se* Motion to reopen his detention hearing (Doc. No. 38) and the Defendant’s  
 15 *pro se* Sentencing Letter (Doc. No. 37).

16 Dated: October 7, 2015.

Respectfully submitted,

17 DANIEL G. BOGDEN,  
 18 United States Attorney

19 /s/ Kimberly M. Frayn  
 20 KIMBERLY M FRAYN  
 Assistant United States Attorney

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 23 <sup>1</sup> The Government filed a similar motion to strike under case number 2:15-cr-263-APG-GWF which the Honorable  
 24 Judge Foley Jr. denied without prejudice, stating it needed to be filed under the 15-CR-173 case. (2:15-cr-263-  
 APG-GWF Doc. No. 11.)

**ORDER**

IT IS SO ORDERED, Defendant's *pro se* Motion to reopen his detention hearing (2:15-Doc. No. 38) and the Defendant's *pro se* Sentencing Letter Docket (Doc. No. 37) are stricken for failure to comply with Local Rule IA-10-6.

Dated: December 21, 2015.

  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I, Kimberly M. Frayn , certify that the following individual was served with a copy of the GOVERNMENT'S MOTION TO STRIKE DEFENDANT'S IMPROPERLY FILED PLEADINGS on this date by *Electronic Case Filing* to counsel Assistant Federal Public Defender Brian Pugh.

DATED: October 7, 2015.

//s// Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney